

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Joint Application of Southern California Edison Company and San Diego Gas & Electric Company for the 2005 Nuclear Decommissioning Cost Triennial Proceeding to Set Contribution Levels for the Companies' Nuclear Decommissioning Trust Funds and Address Other Related Decommissioning Issues.

Application 05-11-008  
(Filed November 10, 2005)

Application of Pacific Gas and Electric Company in its 2005 Nuclear Decommissioning Cost Triennial Proceeding.

Application 05-11-009  
(Filed November 10, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REGARDING THE UTILITY REFORM NETWORK'S NOTICE OF  
INTENT TO CLAIM COMPENSATION**

This ruling responds to a notice of intent to claim intervenor compensation (Notice) filed by The Utility Reform Network (TURN), on February 6, 2006. This ruling addresses the requirements of the Public Utilities Code, Article 5, § 1804. All statutory references are to the Public Utilities Code. In consultation with the assigned Commissioner, I find that TURN is eligible for compensation in this proceeding.

Under § 1804(a)(1), "[a] customer who intends to seek an award under this article shall, within 30 days after the prehearing conference (PHC) is held, file and serve on all parties to the proceeding a Notice." The PHC in this proceeding was held on January 5, 2006. TURN's Notice was timely filed. Section 1804(a)(2) sets forth those items that must be addressed in a Notice.

### **Customer Status**

Pursuant to Decision (D.) 98-04-059, this ruling must determine whether the intervenor is a customer, as defined in § 1802(b), and identify whether the intervenor is a participant representing consumers, or a representative authorized by a customer, or a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential ratepayers. TURN indicates that it is a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential ratepayers (Notice, p. 1) and therefore TURN meets the requirements of the last definition of customer. TURN has previously appeared before the Commission as a consumer advocate. (Notice, p. 1)

### **Significant Financial Hardship**

As defined in Section 1802(g), ““Significant financial hardship” means either that the customer cannot without undue hardship afford to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation, or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.” Once the applicable definition of customer is identified, the correct standard of “significant financial hardship” can be applied. Only those customers for whom participation or intervention would impose a significant financial hardship may receive intervenor compensation. Section 1804(a)(2)(B) allows the customer to include a showing of significant financial hardship in the Notice. In its Notice (p. 4), TURN made a showing of significant financial hardship through a rebuttal presumption of eligibility, as allowed by §1804(b),

because it was found eligible in another proceeding, A.05-02-025, within one year of the start of this proceeding, by a ruling dated November 4, 2005.

### **Nature and Extent of Planned Participation**

Section 1804(a)(2)(A)(i) requires Notices to include a statement of the nature and extent of the customer's planned participation in the proceeding to the extent this can be predicted. TURN has reviewed PG&E's application, and attended the January 5, 2006 PHC. TURN states that it will focus on whether past decommissioning activities were reasonable and the extent of future collections from customers are needed to ensure sufficient funds are available for the ultimate decommissioning of the nuclear facilities. (Notice p. 2) TURN must demonstrate that it satisfies the substantial contribution requirement in its Request for Compensation. (*See* §§ 1802(i) and 1802.5)

A finding of eligibility to claim intervenor compensation does not assure an award of compensation. TURN must also coordinate its efforts with other parties in order to minimize duplication of effort.

### **Itemized Estimate of Compensation**

Section 1804(a)(2)(A)(ii) requires that Notices include an itemized estimate of the compensation the customer expects to receive. TURN estimates a total projected budget of \$93,750 for this based on proposed hourly rates that will be addressed in its Request for Compensation. The presentation of the estimate below should in no way be construed as ruling on its reasonableness of scope, hourly compensation, or recoverability of the various costs.

**TURN's Itemized Estimate**

**Professional Fees**

Mathew Freedman	(150 hrs. @ \$270/hr.)	\$ 40,500
Robert Finkelstein	(50 hrs. @ \$395/hr.)	\$ 19,750

**Consulting Expenses**

David Schlissel	(100 hrs. @\$180/hr.)	\$ 18,000
Bill Marcus	(50 hrs. @ \$210/hr.)	\$ 10,500

**Estimated Expenses**

Other Expenses		<u>\$ 5,000</u>
<b>Total</b>		<b>\$ 93,750</b>

Therefore, **IT IS RULED** that:

1. The Utility Reform Network (TURN) has met the eligibility requirements of Pub. Util. Code § 1804(a). TURN met the requirement to establish significant financial hardship.
2. TURN is a customer as that term is defined in § 1802(b).
3. TURN is found eligible for compensation in this proceeding subject to substantial contribution.
4. A finding of eligibility in no way assures compensation.
5. TURN must make every effort to reduce and avoid duplication of contribution.

Dated February 23, 2006, at San Francisco, California.

/s/ DOUGLAS M. LONG

Douglas M. Long  
Administrative Law Judge

## **CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding The Utility Reform Network's Notice Of Intent To Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated February 23, 2006, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

## **N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.